

EXHIBIT 13



The Copyright Card Catalog and the Online Files of the Copyright Office

Together, the copyright card catalog and the online files of the Copyright Office provide an index to copyright registrations in the United States from 1870 to the present. The copyright card catalog contains approximately 45 million cards covering the period 1870 through 1977. Registrations for all works dating from January 1, 1978, to the present are searchable in the online catalog, available at www.copyright.gov/records.

A large part of the literary, musical, artistic, and scientific production of the United States and of foreign countries is recorded in these files. They are an important supplement to the main catalog of the Library of Congress as a bibliographical tool, in part because only a portion of the works deposited for copyright are selected for inclusion in the Library's collections, and the Library does not always fully catalog those works it selects. The copyright card catalog and the files are of particular value in searching for pamphlets, unpublished music or dramas, lectures, and materials in the visual arts classifications.

Location and Use of the Card Catalog

The copyright card catalog is located in the Copyright Public Records Reading Room (LM-404) on the fourth floor of the James Madison Memorial Building of the Library of Congress. The public can use the catalog, which is staffed by a Copyright Office employee, between 8:30 AM and 5:00 PM, eastern time, Monday through Friday, except federal holidays. Before starting your search, consult Circular 22, *How to Investigate the Copyright Status of a Work*, available on the Copyright Office website or from the bibliographer on duty.

Alternatively, Copyright Office staff can search copyright records for you. Upon payment of an hourly fee, the Office will conduct a search and provide a factual, noninterpretive report. To initiate a search, consult the bibliographer on duty when you visit the Office, complete the form available at www.copyright.gov/forms/search_estimate.html, or contact the Office at:

*Library of Congress
Copyright Office-IRD
Records Research and Certification Section
101 Independence Avenue SE
Washington, DC 20559-6300
FAX: (202) 252-3485
TEL: (202) 707-6850*

Searches will be done in turn as requests are received. For current fees and information about acceptable methods of payment, see Circular 4, *Copyright Office Fees*, or go to the Copyright Office website at www.copyright.gov.

Other Records that Supplement the Card Catalog

The Copyright Office printed the *Catalog of Copyright Entries* from 1891 through 1978. From 1979 through 1982, it was published on microfiche. The catalog is divided into parts according to the classes of works registered. Each segment covers all registrations made during a particular period. Renewal registrations from 1979 through 1982 appear in section 8 of the catalog. Renewals prior to that time are generally listed at the end of the volume containing the class of work to which they pertain.

Libraries throughout the United States maintain copies of the catalog, and it may provide a good starting point if you want to initiate a search yourself. However, a search of the catalog alone will not always provide the needed information. For example:

- Since the catalog does not include entries for assignments or other recorded documents, searches involving the ownership of rights must be supplemented by other resources, such as those discussed below.
- The catalog entry contains the essential facts concerning a registration, but it is not a verbatim transcript of the registration record. For example, it does not contain the address of the copyright claimant.

Effective with registrations made since 1982, the only method of searching outside the Library of Congress is to access the online catalog, which contains entries from 1978 forward. See page 4 of this circular for details.

Another published series, the *Cumulative Catalogs of Motion Picture Entries*, provides detailed registration information for motion pictures and filmstrips for the years 1894 to 1969. A copy for public use is located in the card catalog area.

Locating Copyright Registrations

Under the 1909 copyright law that was effective through 1977, a work could be registered in one of 15 different classes, depending on its nature (for example, *book*, *drama*, *painting*). The cards in the card catalog contain five key elements that establish the history of any original registration. These elements are:

- the title of the work
- the author or authors
- the claimant or claimants, that is, the owner(s) of the copyright, who may be different from the author(s)
- the date of publication, the day on which copyright protection commenced, or the date of receipt for unpublished works, *and*
- the registration number, which is a letter (depending on the classification) followed by from one to seven digits

Any work published or registered before January 1, 1964, must have been renewed by an application for registration in the 28th year following the original date of publication or registration to continue its term of protection for another 28 years. However, copyrights in works registered or published between January 1, 1964, and December 31, 1977, have an automatic renewal for a full 95-year term of protection. Although the period of protection is automatically renewed, a renewal application may be submitted anyway. If the work in question is more than 27 years old and less than 95 years old, a renewal registration consists of all the following:

- the title and author(s) of the original work
- the renewal claimant or claimants
- the date on which the second term of protection commenced, *and*
- the renewal registration number, which is the letter R or the letters RE followed by from one to six digits

Since January 1, 1978, when the 1976 Copyright Act went into effect, copyright registrations have been cataloged by entering the appropriate information into an electronic database. All the elements described for paper formats of catalogs in the previous paragraph are also entered into the database. However, the number of classes has been reduced, with different letter codes preceding the digits. In addition, the record now distinguishes among the date of creation (the year in which the work was fixed in its form), the date of publication (public distribution) where applicable, and the effective date of registration (when the copy or copies of the work, the fee, and the application were received in the Copyright Office). Instructional material and computer terminals are available in the card catalog area to enable the researcher to retrieve information from the online database.

Search Strategies: Idiosyncrasies of the Copyright Card Catalog

In each segment of the card catalog, all filing elements are divided into two alphabetized groups: personal names followed by corporate names and titles. Thus, for example, a researcher using the name or word *White* would find *Alice White* and *Zachary White* before *White Lithographs, Ltd.*, and *The White Monkey*.

The copyright records are subject to a lack of standardization in the romanization of names, cross-references, and other filing elements. A researcher should take into account any possible variant forms of names and titles. For example, cross-references may not be provided for entries cataloged under *Chaikovskii* and *Tschaikowsky*. Non-English names such as *de Mille* and *von Franz* may appear under both the prefix and the surname. A corporate entity such as *Walt Disney Productions* may appear under that form or under *Disney (Walt) Productions*. The post-1977 online records are especially sensitive to spacing and punctuation: *Bank of America NT&SA*; *Bank of America N.T.&S.A.*; and *Bank of America, NT & SA* are all different index entries within the electronic files.

When working with indexes predating 1938, use of the published *Catalog of Copyright Entries* is especially recommended. During that period, titles of books, lyricists, and even composers were inadequately entered into the card catalog. The printed volume is therefore invaluable for tracing elements not found on the catalog cards. There is no subject index to the card catalog.

The Copyright Office employee on duty in the card catalog area is always ready to answer further questions.

Copyright Office Records by Chronological Periods

Over the years, with changes in the techniques of recording copyright registrations, the Copyright Office has divided these records into several chronological periods.

1790–1870

During this period, claims to statutory copyright were registered in the office of the clerk of each of the United States district courts. These records are on microfilm, located in the card catalog area. Entries in the records are arranged first by district court, then alphabetically with chronological entries under each letter. Indexing, which is sporadic, is in the front of some volumes. The original district court record books are housed in the Rare Book and Special Collections Divi-

sion of the Library of Congress. The earliest records have been published by the Library of Congress in *Federal Copyright Records 1790–1800*.

1870–1897

The oldest part of the card catalog, known as the general index, covers registrations from 1870 through 1897, and is used primarily for historical purposes since any work published or registered prior to 1923 would no longer be under copyright protection in the United States. Author, title, and claimant entries for all types of works are interfiled in one alphabet. The first word of a title, or a keyword within the title, and the names of the author and claimant are the basic filing elements. The year date and number found next to the entry lead to the record books where the full copyright facts are recorded. These books may be reviewed in the Copyright Public Records Reading Room (LM-404), between 8:30 AM and 5:00 PM eastern time, Monday through Friday except federal holidays.

1898–1937

Beginning with 1898, there is a separate file for each class of copyrighted works or groups of closely related classes. From July 1, 1909, through November 6, 1937, copyright applications were submitted on cards, which were used as the main entries in the individual indexes, filed under the name of the claimant.

Books are accessible by separate author and claimant indexes, but not by title, except for composite or anonymous works and certain serials.

Periodicals are filed from 1898 to 1909 in a claimant and title index, and from 1909 to 1937 by claimant only.

Music can be located through claimant and title indexes. Access by composer is limited; there are no entries under lyricists' names. This file also includes registrations for some musical dramas.

Dramas from 1870 through 1916 are cataloged in the published two-volume work, *Dramatic Compositions Copyrighted in the United States, 1870–1916*, available in the Copyright Public Records Reading Room (LM-404). Dramas and lectures from 1909 through 1937 are indexed in the card catalog by claimant and, after 1917, by title and author as well.

Graphic arts (including photographs, motion pictures, engravings, and maps) are indexed primarily by claimant, with a small working file containing some entries by author and title. Maps are arranged by geographical area under the name of each claimant or by the place name.

Renewals from 1909 through 1937 are indexed by claimant, title, and, depending on the class of work being renewed, author.

1938–1977

The card catalog from 1938 through 1977 is organized by blocks of time, as outlined below. Therefore, the searcher must know the approximate date of publication or registration. Within each segment of this part of the card catalog, all original and renewal registrations are interfiled alphabetically under author's name, claimant's name, and title.

1938–1945 This part of the card catalog, which actually began in November 1937, is also known as the general index. Like the general index of 1870–1897, all classes of registrations are interfiled in one alphabetical sequence. The claimant is the main entry on the original registration card, and added-entry cards exist for the author, title, source author, and source title in the case of a derivative work and for the name of any other person who had some responsibility in the creation of the work. Similar added-entry cards for related names and titles are interfiled throughout the rest of the card catalog. Also beginning in 1938, the principal access to maps is by claimant, with added entries for place name and author.

1946–1954 The same consolidated index covering all classes of registrations is in use for works cataloged from 1946 through 1954, but extensive cross-references replace the information formerly given on each added-entry card.

1955–1970 For this period, cards are interfiled alphabetically as described above, but added-entry cards once again provide full information for each registration.

1971–1977 This section of the card catalog, also interfiled alphabetically, covers the period from 1971 through December 31, 1977, the last day on which works were registered under the 1909 copyright law.

1978–present

Registrations for all works dating from January 1, 1978, to the present, as well as renewals and recorded documents, are available for searching in the online Copyright Office catalog at www.copyright.gov. Select *Search Copyright Records*.

Commercial Prints and Labels

Commercial prints and labels were initially registered by the U.S. Patent Office. Two book files, *Commercial Prints and Labels Registered in the United States Patent Office*, one for 1876–1921 and the other for 1922–40, contain photocopied lists of Patent Office registrations for prints and labels. The lists for 1922–40 are duplicated by a single alphabetical file in the card catalog, arranged by claimant. Congress gave the Copyright Office responsibility for registering prints and labels in 1940, and they are interfiled in the card catalog after 1940 as a separate registration class.

Assignment and Related Documents Index and Automated Documents Catalog

After establishing the facts of copyright registration, the researcher may wish to determine whether the ownership of the copyright has been transferred or otherwise altered.

The *Assignment and Related Documents Index* is the source for tracing documents clarifying the ownership of copyrights that have been officially recorded in the Copyright Office from 1870 through 1977. Legal documents, including wills and contracts transferring copyright from one person or firm to another, are among the kinds of documents indexed. Assignor-transferor and assignee-transferee files are separate until August 15, 1941, and are thereafter interfiled through 1977. A single title file covers the period 1928 through 1977. There is no title file prior to 1928.

Access to assignment documents recorded after 1977 is available online at www.copyright.gov. The documents are cataloged and filed by the names of the parties involved and by title. Instructional material is available at computer terminals in the Copyright Public Records Reading Room (LM-404) to help the researcher retrieve the data in this file.

After locating the information needed in the files, the researcher may view microfilm copies of the documents themselves on reader-printer machines in the Copyright Public Records Reading Room (LM-404). All recorded assignments and documents from 1870 to the present are on microfilm. Early documents, in various formats, are also bound in books from volume 1 to volume 888.

“Notice of Use” and “Notice of Intention to Use” Files

Notice of use and notice of intention to use files are a part of the copyright card catalog, but they create a different kind of record.

Under the 1909 copyright law, the copyright owner of a musical composition had the exclusive right to make the first mechanical recording of the work. After the owner had initially recorded the work, he or she was required to submit to the Copyright Office a notice of use. The work could then be recorded by anyone for a fixed royalty fee or by negotiating a separate contract. Notices of use from 1909 through 1952 are located in separate title and claimant files; from 1953 through 1977 they are interfiled in the card catalog under title and claimant only. Under the current law effective in 1978, a copyright owner need only register a claim to copyright to be entitled to receive royalties, so the notice of use file is no longer active.

Notices of intention to use, filed by those wishing to record copyrighted music, are filed by title only in a separate index covering the period 1909 to 1977. Under the current law, interested parties can file a notice of intention to obtain a compulsory license in the Licensing Division of the Copyright Office. Researchers should consult the Licensing Division (LM-504) concerning public inspection of this file. Call (202) 707-8150 or email licensing@loc.gov.

Further Services for the Researcher

After having established the facts of copyright registration, the researcher may wish to obtain certified copies of the original applications or copies of the works themselves. These services, subject to certain restrictions and to availability of the material, are provided by the Copyright Office for a fee. Details are available in Circular 6, *Obtaining Copies of Copyright Office Records and Deposits*. The Office will also initiate in-process searches as well as searches in the correspondence and unfinished business files of the Copyright Office for material that may contain original letters from authors and publishers, deposit copies (possibly unique examples) on which no cataloging action has been undertaken, and similar information.

The researcher can also inspect any of the original record books and applications stored in the Copyright Office.

For Further Information

By Internet

Circulars, announcements, regulations, other related materials, and all copyright application forms are available from the Copyright Office website at www.copyright.gov. To send an email communication, click on *Contact Us* at the bottom of the homepage.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778. Staff members are on duty from 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. Recorded information is available 24 hours a day. To request application forms and circulars, call the Forms and Publications Hotline at (202) 707-9100 and leave a recorded message.

By Regular Mail

Write to:

*Library of Congress
Copyright Office—COPUBS
101 Independence Avenue SE
Washington, DC 20559-6304*

